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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,426	08/20/2003	Ernest Oxenknecht	60680-1638	7013

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EXAMINER

SICONOLFI, ROBERT

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,426

Applicant(s)

OXENKNECHT ET AL.

Examiner

Robert A. Siconolfi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8 and 14-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8 and 14-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Amendment filed on 5/30/06 has been received.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 2, 4-8, 20-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Instant claims 1 and 20 have been amended to disclose the *selective* positioning of various elements. There is no disclosure supporting the elements having a variable position or associate means to accomplish this function (e.g. vacuum chambers, electric coils).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1,2,4,5,7, 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Bryk (U. S. Patent no. 3,622,194).

See figure 3 upper base 36 with tube 42, lower base 50 with tube 54, isolator and first isolation layer 16, second isolation layer 28, annular gap receiving collar 26 Note: the use of the word selectively implies that the positioning is optional and therefore, the prior art is not required to meet that limitation because it is "selected" not to.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 8 , 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryk in view of Schmidt (U. S. Patent no. 3,390,709).

Bryk is relied upon as above in paragraph 5. Bryk does not disclose the isolator and isolation layers being made of wire mesh. Schmidt teaches forming an isolator and isolation layers out of wire mesh. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use wire mesh as taught by Schmidt in the device of Bryk as material selection is merely a design choice. Furthermore, wire mesh is desirable because it has a "stable spring rate and good load carrying ability in the axial direction" (Schmidt column 1 lines 25-27).

8. Claims 6, 14-18, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryk in view of Stephenson .

Bryk is relied upon as above. Bryk does not disclose the use of a lip on the upper base. Stephenson teaches a lip on the upper base. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a lip on the upper base as taught by Stephenson in the device of Bryk as such is a well known means of limiting deformation in the lateral direction. This prevents the elastomer from spreading out to the sides and over time failing.

9. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bryk in view of Schmidt (U. S. Patent no. 3,390,709).

Bryk is relied upon as above in paragraph 7. Bryk does not disclose the isolator and isolation layers being made of wire mesh. Schmidt teaches forming an isolator and isolation layers out of wire mesh. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use wire mesh as taught by Schmidt in the device of Bryk as material selection is merely a design choice. Furthermore, wire mesh is desirable because it has a "stable spring rate and good load carrying ability in the axial direction" (Schmidt column 1 lines 25-27).

10. Claims 14-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephenson et al in view of Peterson.

Stephenson et al discloses:

See figure 3 upper base attached to nut 19, lower base 31, first isolation layer 16, second isolation layer 17, isolator attached to first layer 16, annular gap receives tubular portion of mounting surface 14

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Stephenson et al does not disclose a first and second tubular member construction. Peterson teaches a first and second tubular member construction (12 ,14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the first and second tubular member construction as taught by Peterson in the device of Stephenson et al as it has several advantages. First, it eliminates the need to have a fastener screwed from both sides which is labor intensive and requires only one fastener. Second, it prevents the mount from being assembled improperly from misalignment. Third, the dimple spring mechanism prevents the mount from falling apart even if the fastener fails.

11. Claims 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephenson, as modified, in view of Schmidt (U. S. Patent no. 3,390,709).

Stephenson, as modified, is relied upon as above. Stephenson, as modified, does not disclose the isolator and isolation layers being made of wire mesh. Schmidt teaches forming an isolator and isolation layers out of wire mesh. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use wire mesh as taught by Schmidt in the device of Stephenson as material selection is merely a design choice. Furthermore, wire mesh is desirable because it has a "stable spring rate and good load carrying ability in the axial direction" (Schmidt column 1 lines 25-27).

Response to Arguments

12. Applicant's arguments filed 5/30/06 have been fully considered but they are not persuasive. Regarding the 102 rejection, see the discussion about regarding 122 and the statement in the 102 rejection.

Applicants argue that the combination of Bryk and Stephenson is not obvious because Bryk would not undergo compression to cause it to spread out. The examiner disagrees. Note that figure 3 is the same embodiment as figure 1 except figure 3 is installed in the vehicle. The walls of isolation layer 28 are perfectly vertical in figure 1 whereas they are bowed in figure 3.

Examiner has previously addressed the arguments regarding Stephenson and its combinations.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

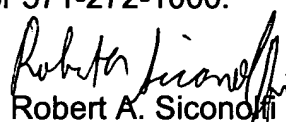
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Siconolfi whose telephone number is 571-272-7124. The examiner can normally be reached on M-F 10 am-3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on 571 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert A. Siconolfi
Primary Examiner
Art Unit 3683

RS